



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TJR
Docket No: 3182-99
15 October 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 13 October 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Marine Corps on 26 June 1957 at the age of 18. Your record reflects you served for nearly a year without disciplinary incident, but during the period from 18 March to 1 December 1958 you received nonjudicial punishment (NJP) on five occasions for failure to obey a lawful order, absence from your appointed place of duty, resisting arrest, disobedience, and breaking restriction. During this period you were also convicted by summary court-martial (SCM) of breaking restriction. You were sentenced to confinement at hard labor for 15 days, reduction to paygrade E-1, and forfeitures totalling \$25.

Your record further reflects that during the period from 14 April to 16 December 1959 you received NJP on three more occasions for two incidents of failure to go to your appointed place of duty and absence from your appointed place of duty. You were again convicted by SCM of absence from your appointed place of duty and sentenced to confinement at hard labor for 20 days. You were also convicted by special court-martial (SPCM) of breaking quarantine. You were sentenced to confinement at hard labor for

three months and forfeitures totalling \$120. On 10 March and again on 16 May 1960 you received NJP for two days of unauthorized absence (UA).

Your record further reflects that on 14 April 1960 you were notified of pending administrative separation action. After consulting with legal counsel you elected to present your case to an administrative discharge board (ADB). On 3 May 1960 an ADB recommended you receive an undesirable discharge by reason of unfitness. Subsequently, your commanding officer also recommended you be issued an undesirable discharge by reason of unfitness. On 11 May 1960 the discharge authority approved the foregoing recommendations and directed your commanding officer to issue you an other than honorable discharge by reason of unfitness. On 18 May 1960 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, post service conduct and your contention that you would like your discharge upgraded so that you may obtain veterans' benefits. However, the Board concluded these factors were not sufficient to warrant a change in the characterization your discharge given your frequent misconduct which resulted in 10 NJPs and three court-martial convictions. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director